REMARKS

Claims 1-33 are all the claims pending in the application, new claims 26-33 having been added as indicated herein. Claims 1-4, 11, 12, 14-16, 18, 24, and 25 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Friz et al. (U.S. Patent No.: 5,786,994), hereinafter referred to as Friz. Claims 5, 7, and 13 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Friz, as applied to claims 1 and 3, in view of Hoebel et al. (U.S. Patent No.: 5,400,792), hereinafter referred to as Hoebel. Claims 9, 10, and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Friz, as applied to claims 1 and 3, in view of Eastvold et al. (U.S. Patent No.: 6,487,513), hereinafter referred to as Eastvold. Finally, claims 6, 8, and 19-23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Friz, as applied to claims 1, 3, 14, 15, and 18.

Preliminary Matters

Claims 1, 3, and 14 are objected to, for the reasons set forth on page 2 of the Office Action. Applicant amends claims 1, 3, and 14, as indicated herein and it is believed that these amendments should overcome the Examiner's objections to these claims.

Also, Applicant notes that the Examiner indicates on pages 2-3 of the Office Action that, "The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or... ." In view of the fact that the statute has been changed to apply to all applications regardless of filing date, Applicant submits, with regard

to the Examiner's statement on the inapplicability of the AIPA, that all applicable art should be deemed to have been considered in the prosecution of this application.

§ 102(e) Rejections (Friz) – Claims 1-4, 11, 12, 14-16, 18, 24, and 25

Claims 1-4, 11, 12, 14-16, 18, 24, and 25 are rejected for the reasons set forth on pages 2-4 of the Office Action.

With respect to independent claim 1, Applicant amends this claim and submits that Friz does not teach or suggest at least the limitations "a plurality of medical image input devices holding respective histories of evaluation results on specified items regarding image quality of individual medical image input devices" and "to control the histories thereof centrally," as recited in claim 1. That is, Applicant notes that, at the top of page 5 of the Office Action, the Examiner admits that "Friz does not specifically teach the medical image input devices having historical image quality results and this evaluation information being controlled from a central location." Applicant submits that this admission clearly shows that Friz does not teach or suggest at least the limitation "to control the histories thereof centrally," as recited in claim 1. Yet further, as argued in the Amendment dated October 18, 2002, Friz does not envisage implementing a quality control system for medical image input devices of medical diagnostic apparatuses. Friz only discloses that laser imagers 14, or medical image output devices, are to be subject to quality control and does not even mention that a medical image input device has a history of evaluation results related to quality of individual medical diagnostic apparatuses. Moreover, even though the medical imaging system 10 of Friz includes one or more diagnostic modalities, which comprise, for example, an input medical diagnostic device such as a magnetic

resonance (MR), computer tomography (CT), conventional radiography (X-ray), or ultrasound, the quality control monitoring system of Friz does not apply to such input medical diagnostic devices. Friz only contemplates controlling the quality of medical image output devices. *See Fig. 3, or col. 10, line 59- col. 11, line 21.* Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over Friz.

Applicant submits that dependent claims 2, 11 and 24 are patentable at least by virtue of their dependency from independent claim 1.

With respect to independent claims 3 and 15, Applicant submits that these claims are patentable over Friz for reasons similar to those set forth above for claim 1. That is, similar to claim 1, Applicant submits that Friz does not teach or suggest at least "wherein at least one of said plurality of medical image input devices initially produces an image" and "to control the histories thereof centrally," as recited in claims 3 and 15.

Applicant submits that dependent claims 4, 12, and 25 are patentable at least by virtue of their respective dependency from independent claim 3, and that dependent claim 16 is patentable at least by virtue of its dependency from independent claim 15.

With respect to independent claims 14 and 18, Applicant submits that Friz does not teach or suggest at least "wherein at least one of said one or more medical diagnostic apparatuses automatically outputs information relating to image quality of at least one of said one or more medical diagnostic apparatuses," as recited in claim 14 and similarly recited in claim 18. That is, Friz teaches that the performance monitoring system 46 is configured to monitor the performance of one or more laser imagers, but does not teach that a medical diagnostic apparatus

automatically outputs the claimed information to a performance monitoring system. Friz specifically states, at co. 11, lines 45-65, that the performance monitoring system must establish communication with one of the laser imagers14 before any quality control related information can be obtained from the laser imager. Thus, the laser imagers 14 of Friz do not automatically output the claimed information. Yet further, with respect to independent claim 18, Applicant submits that Friz does not teach or suggest at least the limitation "to control the histories thereof centrally," for at least the same reasons set forth above with respect to claim 1. Therefore, at least for the above-state reasons, we would argue that independent claims 14 and 18 are patentable over Friz.

§ 103(a) Rejections (Friz / Hoebel) – Claims 5, 7, and 13

The Examiner rejects claims 5, 7, and 13 for the reasons set forth on pages 4-6 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

First, Applicant submits that dependent claims 5, 7, and 13 are patentable at least by virtue of their respective dependencies from independent claims 1 and 3. Hoebel does not make up for the deficiencies of Friz.

Yet further, to support the rejections of claims 5 and 7, the Examiner states "Hoebel teaches a medical image input device, such as the disclosed angiography apparatus (Figure 1 element 1) having historical image quality results...," as set forth in paragraph 2 on page 5 of the Office Action. However, Applicant submits that Hoebel does not teach or suggest at least "wherein said at least one medical image output device has a history of evaluation results related

to its quality and said control device stores the history of evaluation results related to quality of said at least one medical output device, to control the history thereof centrally," as recited in claim 5. That is, the Examiner only discusses the element 1 of Hoebel, which, as the Examiner states, is an input device, but is not an output device as set forth in claims 5 and 7. Therefore, at least based on the foregoing, Applicant submits that claims 5 and 7 are patentably distinguishable over the applied references.

§ 103(a) Rejections (Friz / Eastvold) – Claims 9, 10, and 17

The Examiner rejects claims 9, 10, and 17 for the reasons set forth on pages 6 and 7 of the present Office Action.

Applicant submits that dependent claims 9, 10, and 17 are patentable at least by virtue of their respective dependencies from independent claims 1 and 3. Eastvold does not make up for the deficiencies of Friz.

§ 103(a) Rejections (Friz) – Claims 6, 8, and 19-23

Finally, the Examiner rejects dependent claims 6, 8, and 19-23 for the reasons set forth on page 7 of the Office Action. Applicant traverses these rejections at least for the reasons set forth below.

First, Applicant submits that dependent claims 6, 8, and 19-23 are patentable at least by virtue of their respective dependencies from independent claims 1, 3, 14, 15, and 18.

Further, with respect to claims 3 and 4, the Examiner takes Official Notice with respect to "image quality being derived from the sensitivity or the granularity of the image," as set forth on page 7 of the Office Action. Assuming that the limitations recited in claims 19-23 are novel,

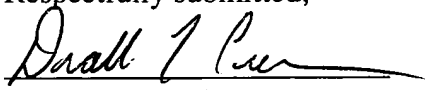
Applicant submits that the Examiner has made extremely liberal use of the concept of "Official Notice." As the Examiner is no doubt aware, it is impermissible to rely upon Official Notice at the point of novelty of the claimed invention. Accordingly, pursuant to M.P.E.P. § 2144.03, Applicant respectfully requests that the Examiner cite references that support the assertions set forth in numbered paragraph 14 of the Office Action.

Finally, Applicant adds new claims 26-33 to round out the scope of protection solicited for the present invention. Applicant submits that these claims are patentable at least by virtue of their respective dependencies from independent claims 1, 3, 14, 15, and 18.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Diallo T. Crenshaw
Registration No. 52,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 22, 2003